

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 30**

FINAL READING

Introduced by Kolterman, 24.

Read first time January 10, 2019

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Professional Landscape Architects Act;  
2 to amend sections 81-8,183.01, 81-8,184, 81-8,186, 81-8,191,  
3 81-8,191.01, 81-8,192, 81-8,194, 81-8,196, 81-8,198, 81-8,199,  
4 81-8,200, 81-8,202, 81-8,204, 81-8,205, and 81-8,206, Reissue  
5 Revised Statutes of Nebraska; to change and eliminate provisions  
6 relating to licensure and regulation of professional landscape  
7 architects; to provide and change penalties; to harmonize  
8 provisions; to repeal the original sections; and to outright repeal  
9 sections 81-8,184.01, 81-8,185, 81-8,187, 81-8,188, 81-8,195,  
10 81-8,197, 81-8,200.01, 81-8,200.02, 81-8,201, and 81-8,203, Reissue  
11 Revised Statutes of Nebraska.  
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-8,183.01, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 81-8,183.01 Sections 81-8,183.01 to 81-8,206 and sections 2, 16, 17,  
4 and 19 of this act shall be known and may be cited as the Professional  
5 Landscape Architects Act.

6 Sec. 2. To protect public health, safety, and welfare, the  
7 Professional Landscape Architects Act regulates the title and practice of  
8 landscape architecture in the State of Nebraska. No person may engage in  
9 the practice of landscape architecture, use the designation of  
10 professional landscape architect, landscape architect, or any derivative  
11 thereof, or advertise any title or description tending to convey the  
12 impression that he or she is a professional landscape architect, unless  
13 the person is authorized in the manner provided in the act and complies  
14 with all provisions of the act. The practice of landscape architecture is  
15 a privilege granted by the board, based on the qualifications of the  
16 individual, and evidenced by a license.

17 Sec. 3. Section 81-8,184, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 81-8,184 For purposes of the Professional Landscape Architects Act,  
20 ~~unless the context otherwise requires:~~

21 (1) Board means the State Board of Landscape Architects;

22 (2) Coordinating professional means a design professional who  
23 coordinates, as appropriate, the work of all design professionals  
24 involved in a project;

25 (3) Design professional means a professional landscape architect, a  
26 licensed architect, or a professional engineer;

27 (4) License means an authorization granted by the board to practice  
28 landscape architecture;

29 ~~(1) Professional landscape architect means a person who, by reason~~  
30 ~~of his or her knowledge acquired by professional education or practical~~  
31 ~~experience, or both, is qualified to engage in the practice of~~

1 professional landscape architecture as provided in the act;

2       (5) (2) Practice of professional landscape architecture means the  
3 application of the principles of mathematical, physical, biological, and  
4 social sciences in consultation, evaluation, planning, design, including,  
5 but not limited to, the preparation, review and filing of plans,  
6 drawings, specifications, and other contract documents, and  
7 administration of contracts relative to projects principally directed at  
8 the functional and aesthetic use and preservation of land in the  
9 performance of professional services. These professional services  
10 include, but are not limited to: performance of professional services  
11 such as consultations, investigations, reconnaissance, research,  
12 planning, design, or responsible supervision in connection with projects  
13 involving the arranging of land and the elements thereon for public and  
14 private use and enjoyment, including the alignment of roadways and the  
15 location of buildings, service areas, parking areas, walkways, steps,  
16 ramps, pools, and other structures, and the grading of the land, surface  
17 and subsoil drainage, erosion control, planting, reforestation, and the  
18 preservation of the natural landscape and aesthetic values, in accordance  
19 with accepted professional standards of public health, welfare, and  
20 safety. Practice of professional landscape architecture includes the  
21 location and arrangement of such tangible objects and features as are  
22 incidental and necessary to the purposes outlined in this subdivision but  
23 does not include the design of structures or facilities with separate and  
24 self-contained purposes for habitation or industry, the design of public  
25 streets and highways, utilities, storm and sanitary sewers, and sewage  
26 treatment facilities which are ordinarily included in the practice of  
27 engineering or architecture, or the making of land surveys or final land  
28 plats for official approval or recording. Nothing contained in the act  
29 shall preclude a duly licensed professional landscape architect from  
30 performing any of the services defined as practice of professional  
31 landscape architecture in this subdivision in connection with the

1 ~~settings, approaches, or environment for buildings, structures, or~~  
2 ~~facilities. Nothing contained in the act shall be construed as~~  
3 ~~authorizing a professional landscape architect to engage in the practice~~  
4 ~~of architecture, engineering, or land surveying. Nothing in the act shall~~  
5 ~~prohibit any person, firm, or corporation or their officers, agents, or~~  
6 ~~employees from preparing planting plans for plant materials in connection~~  
7 ~~with the sale of nursery stock, plants, trees, shrubs, flowers, sod, or~~  
8 ~~other plant material, outdoor decorative ornaments, seed, fertilizer,~~  
9 ~~chemicals, gardening tools and equipment, and related items of~~  
10 ~~merchandise or the propagation, planting, or growth of any indoor or~~  
11 ~~outdoor plants; and~~

12 (a) Investigation, selection, and allocation of land and natural  
13 resources for appropriate uses;

14 (b) Development of feasibility and site selection studies to govern  
15 the planning, design, and management of the land;

16 (c) Preparation, review, and analysis of land-use master, site, and  
17 comprehensive development plans and preliminary subdivision plans;

18 (d) Determining the location and siting of improvements, including  
19 buildings, site features, access, and environs for the improvements;

20 (e) Collaboration with architects, professional engineers, and  
21 registered land surveyors in the design of streets, highways, bridges,  
22 buildings, and structures with respect to the functional and aesthetic  
23 requirements of the area in which such facilities are to be placed;

24 (f) Preservation and management of natural, cultural, historic, and  
25 aesthetic resources;

26 (g) Design of: Sites, landforms, water features, and water bodies;  
27 site grading; surface and subsurface drainage and management; sediment  
28 and erosion control; non-inhabitable structures; park and recreation  
29 areas; site vehicular circulation systems, greenways, and streetscapes;  
30 equestrian, bicycle, and pedestrian circulation systems; and site  
31 lighting, irrigation, plantings, and related construction details and

1 specifications; and

2 (h) Location and arrangement of such tangible objects and features  
3 as are incidental and necessary to the purposes outlined in this section.

4 Practice of landscape architecture does not include the design of  
5 structures or facilities with separate and self-contained purposes for  
6 habitation or industry, or the design of streets and highways, utilities,  
7 storm and sanitary sewers, and water and sewage treatment facilities,  
8 such as are exclusive to the practice of engineering, architecture, or  
9 land surveying; and

10 (6) Professional landscape architect or licensee means a person who  
11 is licensed by the board to practice landscape architecture.

12 ~~(3) Board means the State Board of Landscape Architects created by~~  
13 ~~the act.~~

14 Sec. 4. Section 81-8,186, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 81-8,186 (1) There is hereby created a State Board of Landscape  
17 Architects consisting of six members who shall be appointed by the  
18 Governor. Five members of the board shall be professional landscape  
19 architects and one member shall be a member of the public layperson of  
20 the age of legal majority. All members shall have been residents of this  
21 state for at least one year immediately preceding their appointments.

22 (2) Each member shall be a citizen of the United States and shall  
23 have been a resident of the State of Nebraska for at least one year  
24 immediately preceding appointment.

25 (3) Each professional landscape architect member shall have been  
26 engaged in the active practice of landscape architecture for at least  
27 five years at the time of his or her appointment and shall be a  
28 professional landscape architect in this state.

29 (4) The term of office of the members appointed to the board shall  
30 be for five years. A member shall hold office after the expiration of his  
31 or her term until his or her successor is duly appointed and qualified.

1 Vacancies in the membership of the board, however created, shall be  
2 filled for the unexpired term by appointment by the Governor. The  
3 Governor may remove any member of the board for misconduct, incompetency,  
4 or neglect of duty.

5       Sec. 5. Section 81-8,191, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7       81-8,191 The board and any committee of the board is entitled to the  
8 services of the Attorney General in the connection with the affairs of  
9 the board and may compel the attendance of witnesses, administer oaths,  
10 and take testimony and proofs concerning all matters within its  
11 jurisdiction. The Attorney General shall act as legal advisor to the  
12 board and render such legal assistance as may be necessary in carrying  
13 out the Professional Landscape Architects Act. The board may expend funds  
14 to promote licensure of professional landscape architects in this state  
15 subject to section 84-733 shall be entitled to the counsel and to the  
16 services of the Attorney General and shall have power to compel the  
17 attendance of witnesses, pay witness fees and mileage as provided in  
18 section 81-1176 for state employees, and may take testimony and proofs  
19 and may administer oaths concerning any matter within its jurisdiction.

20       Sec. 6. Section 81-8,191.01, Reissue Revised Statutes of Nebraska,  
21 is amended to read:

22       81-8,191.01 The board may adopt and promulgate rules and regulations  
23 to carry out the Professional Landscape Architects Act which are needed  
24 in performing its duties. Such rules and regulations may include, but are  
25 not be limited to, a definition of conflict of interest for board members  
26 and the appropriate procedure to follow when a conflict arises. The rules  
27 and regulations or a code of professional conduct developed by the board  
28 shall also include definitions of or a list of specific practices which  
29 constitute fraud, deceit, gross negligence, incompetence, or misconduct  
30 and the punishments for such practices which shall be used as the basis  
31 to place a professional landscape architect on probation, or revoke or

1 ~~suspend a license, or impose a penalty pursuant to section 81-8,205 and~~  
2 ~~sections 16 and 17 of this act pursuant to section 81-8,202.~~

3       Sec. 7. Section 81-8,192, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5       81-8,192 The board shall maintain and make available to the public  
6 a complete roster of each professional landscape architect showing his or  
7 her name and last-known address. The board shall file the roster with the  
8 Secretary of State annually and may distribute a copy to each  
9 professional landscape architect as well as county and municipal  
10 officials ~~The board shall keep on file a record of all certificates of~~  
11 ~~licensure granted and shall make annual revisions of such record as may~~  
12 ~~be necessary. On or before January 31 of each year, the board shall file~~  
13 ~~with the Secretary of State a complete list of those licensed under the~~  
14 ~~Professional Landscape Architects Act with their addresses and the dates~~  
15 ~~of licensure.~~

16       Sec. 8. Section 81-8,194, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18       81-8,194 (1) The board shall establish fees of no ~~not less than one~~  
19 ~~hundred nor~~ more than three hundred dollars for applications and initial  
20 certificates of licensure and annual renewals for services related to the  
21 Professional Landscape Architects Act for licensure, examinations,  
22 ~~certificates of licensure, reciprocal licenses, and renewals~~ based on the  
23 administration costs incurred by the board. The board shall collect,  
24 account for, and remit such fees to the State Treasurer for credit to the  
25 State Board of Landscape Architects Cash Fund which is hereby created.  
26 All fees are nonrefundable.

27       (2) Transfers may be made from the State Board of Landscape  
28 Architects Cash Fund to the General Fund at the direction of the  
29 Legislature. Any money in the State Board of Landscape Architects Cash  
30 Fund available for investment shall be invested by the state investment  
31 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska

1 State Funds Investment Act.

2 (3) Warrants for the payment of expenses and compensation as  
3 provided for in the Professional Landscape Architects Act shall be issued  
4 by the Director of Administrative Services and paid by the State  
5 Treasurer out of the State Board of Landscape Architects Cash Fund upon  
6 presentation of vouchers regularly drawn by the chairperson of the board  
7 and approved by the board. At no time shall the total amount of warrants  
8 exceed the total amount of fees collected under the act and credited to  
9 the fund.

10 Sec. 9. Section 81-8,196, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 81-8,196 (1) Applications for licensure as a professional landscape  
13 architect shall be on forms prescribed and furnished by the State Board  
14 of Landscape Architects. Each applicant for licensure as a professional  
15 landscape architect shall complete an application that includes the  
16 following requirements:

17 (2) Applicants who hold a landscape architecture degree accredited  
18 by the Landscape Architectural Accreditation Board or its equivalent as  
19 determined by the board may sit for the Landscape Architect Registration  
20 Examination as administered by the Council of Landscape Architectural  
21 Registration Boards. (1) Proof that the applicant has met the eligibility  
22 standards set by the board in rules and regulations adopted and  
23 promulgated by the board in consultation with the Council of Landscape  
24 Architectural Registration Boards;

25 (3) The following shall be considered as the minimum evidence  
26 satisfactory to the State Board of Landscape Architects that an applicant  
27 is eligible for initial licensure, upon application, as a professional  
28 landscape architect: (2) Successful passage of a written or electronic  
29 examination in landscape architecture which is designed to determine the  
30 proficiency and qualifications to engage in the practice of professional  
31 landscape architecture; and



1       (a) Submission of an application accompanied by the fee established  
2 by the board, in accordance with subsection (1) of section 81-8,194; ~~(3)~~  
3 That the applicant is of good character.

4       (b) Submission of a council record maintained by the Council of  
5 Landscape Architectural Registration Boards;

6       (c) Graduation from a program accredited by the Landscape  
7 Architectural Accreditation Board or its equivalent as determined by the  
8 State Board of Landscape Architects;

9       (d) Passage of an examination on technical and professional subjects  
10 as prescribed by the board or its equivalent as determined by the board;

11       (e) A record of three years or more of diversified post-degree  
12 experience directly related to landscape architecture under the direct  
13 supervision of a professional landscape architect or equivalent  
14 experience as determined by the board; and

15       (f) One or more written professional references which shall be  
16 submitted by the applicant to the board.

17       (4) An individual holding a license to practice landscape  
18 architecture issued by a proper authority of any jurisdiction recognized  
19 by the board, based on credentials that do not conflict with subsection  
20 (3) of this section and other provisions of the Professional Landscape  
21 Architects Act, may, upon application, be licensed as a professional  
22 landscape architect after demonstration of good reputation and character.

23       (5) An individual who has been licensed to practice landscape  
24 architecture for fifteen years or more in one or more jurisdictions  
25 recognized by the board and who has practiced landscape architecture in  
26 compliance with the licensing laws in the jurisdiction where his or her  
27 landscape architecture practice has occurred since initial licensure may,  
28 upon application, be licensed as a professional landscape architect after  
29 demonstration of good reputation and character.

30       (6) The board may accept the verified information contained in a  
31 valid council record issued by the Council of Landscape Architectural

1 Registration Boards in lieu of the same information that is required on  
2 the form prescribed by the board.

3 (7) Examination materials shall not be considered public records.

4 (8) The board may adopt the examinations and grading procedures of  
5 the Council of Landscape Architectural Registration Boards. The board may  
6 also adopt guidelines published from time to time by the council.

7 (9) Licensure shall be effective upon issuance.

8 Sec. 10. Section 81-8,198, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 81-8,198 (1) Each licensee shall provide himself or herself with a  
11 suitable seal with a uniform inscription thereon formulated by the board  
12 with which he or she shall stamp all plans, specifications, and reports  
13 prepared by him or her when required. The following shall be stated on  
14 the seal: State of Nebraska, the licensee's name, the license number, and  
15 Professional Landscape Architect. ~~A license shall be presumptive evidence~~  
16 that the person named therein is legally licensed.

17 (2) Whenever the seal is applied, the licensee's signature shall be  
18 across the seal. The board may adopt and promulgate rules and regulations  
19 for application of the seal.

20 (3) The seal and date of its placement shall be on all technical  
21 submissions and calculations whenever presented to a client or any public  
22 or governmental agency. It shall be unlawful for a licensee to affix his  
23 or her seal and signature or to permit his or her seal and signature to  
24 be affixed to any document after the expiration of the certificate of  
25 licensure or for the purpose of aiding or abetting any other person to  
26 evade or attempt to evade the Professional Landscape Architects Act.

27 (4) The seal and date shall be placed on final plans and  
28 specifications and reports as required in such a manner that the seal,  
29 signature, and date will be reproduced and be in compliance with rules  
30 and regulations of the board, if any. The application of the licensee's  
31 seal shall constitute certification that the work was done in accordance

1 with the act.

2 (5) A landscape architect shall undertake to perform professional  
3 services only when the landscape architect is qualified by education,  
4 training, and experience in the specific technical areas involved.

5 Sec. 11. Section 81-8,199, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 81-8,199 (1) The board shall issue to any applicant who has met the  
8 requirements of the Professional Landscape Architects Act a certificate  
9 of licensure giving the licensee proper authority to carry out the  
10 prerogatives of the act. The certificate of licensure shall carry the  
11 designation Professional Landscape Architect. The certificate of  
12 licensure shall give the full name of the licensee and license number and  
13 shall be signed by two members of the board. The board shall issue a  
14 certificate of licensure to each successful applicant upon payment of the  
15 annual fee. Each certificate shall be signed by two members of the board  
16 under the seal of the board. The certificate shall authorize the  
17 applicant to practice professional landscape architecture.

18 (2) The certificate of licensure shall be prima facie evidence that  
19 the person is entitled to all rights, privileges, and responsibilities of  
20 a professional landscape architect while the certificate of licensure  
21 remains unrevoked and unexpired.

22 (3) The board may issue a new certificate of licensure to replace  
23 any lost, destroyed, or mutilated certificate of licensure or issue a  
24 duplicate of any active certificate of licensure upon request from the  
25 licensee. A fee not to exceed fifty dollars, in accordance with  
26 subsection (1) of section 81-8,194, may be charged for each such  
27 issuance.

28 (4) Any person holding a certificate of registration under the act  
29 as of the effective date of this act shall be deemed to be duly licensed  
30 under the act until the expiration of such certificate.

31 Sec. 12. Section 81-8,200, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2       81-8,200 Certificates of licensure shall expire on a date  
3 established by the board and shall become invalid on that date unless  
4 renewed. In 2021, a licensee whose last name begins with a letter between  
5 the letters "A" and "L" shall renew his or her certificate of licensure  
6 for one year and a licensee whose last name begins with a letter between  
7 the letters "M" and "Z" shall renew his or her certificate of licensure  
8 for two years. Each subsequent renewal shall be for a two-year period.  
9 The board shall notify every person licensed under the Professional  
10 Landscape Architects Act of the expiration date of his or her certificate  
11 of licensure and the amount of the fee, in accordance with subsection (1)  
12 of section 81-8,194, required for renewal. The notice shall be sent at  
13 least one month in advance of the date of the expiration. Valid  
14 certificates of licensure may be renewed prior to expiration upon  
15 application and payment of applicable fees. The fee to be paid on an  
16 expired certificate of licensure the last day of December following their  
17 issuance or renewal and shall become invalid on that date unless renewed  
18 before the expiration date with the payment of a fee in an amount the  
19 board shall determine. The board shall notify every licensee of the  
20 expiration date of his or her certificate and the amount of the annual  
21 renewal fee at least one month in advance. The fee to be paid for the  
22 renewal of a certificate after December 31 shall be increased by ten  
23 percent for each month or fraction of a month such payment is delayed,  
24 except that the maximum fee for a delayed renewal shall not exceed twice  
25 the amount of the original renewal fee and no renewals shall be made  
26 after one year after the expiration date, in accordance with subsection  
27 (1) of section 81-8,194. Expired licenses shall be renewed in accordance  
28 with the rules and regulations of the board. The board may require  
29 individual licensees to obtain professional development in accordance  
30 with the rules and regulations of the board a lapse of one year after the  
31 original expiration date thereof. Renewal fees shall not be required

1 ~~while the professional landscape architect is on active duty with the~~  
2 ~~armed forces of the United States. Application for renewal of a lapsed~~  
3 ~~license shall be in the same manner as provided for an original~~  
4 ~~application pursuant to section 81-8,196.~~

5       Sec. 13. Section 81-8,202, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7       81-8,202   The board shall enforce the Professional Landscape  
8 Architects Act and rules and regulations under the act, including  
9 enforcement against any unlicensed person. If any person refuses to obey  
10 any decision or order of the board, the board, or upon request of the  
11 board the Attorney General or the appropriate county attorney, shall file  
12 an action for the enforcement of the decision or order, including  
13 injunctive relief, in the district court. After a hearing the court shall  
14 order enforcement of the decision or order, or any part thereof, if  
15 legally and properly made by the board and, if appropriate, injunctive  
16 relief. ~~The board may by a four-fifths vote of the entire board place a~~  
17 ~~licensed professional landscape architect on probation or revoke or~~  
18 ~~suspend the license of any professional landscape architect licensed~~  
19 ~~under the Professional Landscape Architects Act whom it finds guilty of~~  
20 ~~(1) deceit in obtaining a license, (2) fraud, (3) gross negligence, (4)~~  
21 ~~incompetency, or (5) misconduct in the practice of professional landscape~~  
22 ~~architecture. Such person shall have the right to appeal the revocation~~  
23 ~~or suspension of his or her license, and the appeal shall be in~~  
24 ~~accordance with the Administrative Procedure Act.~~

25       Sec. 14. Section 81-8,204, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27       81-8,204   Except as provided in section 81-8,206, an individual  
28 shall not directly or indirectly engage in the practice of landscape  
29 architecture in this state or use the title of professional landscape  
30 architect or display or use any words, letters, figures, titles, signs,  
31 cards, advertisements, or other symbols or devices indicating or tending

1 to indicate that he or she is a professional landscape architect or is  
2 practicing landscape architecture unless he or she is licensed under the  
3 Professional Landscape Architects Act. A licensee shall not aid or abet  
4 any person not licensed under the act in the practice of landscape  
5 architecture. No person shall practice as a professional landscape  
6 architect or in any manner designate himself or herself as a professional  
7 landscape architect unless he or she has been issued a certificate of  
8 licensure pursuant to the Professional Landscape Architects Act. If such  
9 person does practice or attempt to practice under the designation of  
10 professional landscape architect, he or she may be restrained under  
11 permanent injunction.

12       Sec. 15. Section 81-8,205, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14       81-8,205   (1) It is unlawful for any person to: Any person who  
15 violates a permanent injunction obtained pursuant to section 81-8,204,  
16 presents or attempts to file as his or her own the certificate of  
17 licensure of another, gives false or forged evidence of any kind to the  
18 board in obtaining a certificate of licensure, indorses any document  
19 which he or she did not actually prepare or supervise the preparation  
20 thereof, falsely impersonates another practitioner of like or different  
21 name, or uses a revoked certificate of licensure shall be deemed guilty  
22 of a Class III misdemeanor.

23       (a) Practice or offer to practice landscape architecture in this  
24 state without being licensed in accordance with the Professional  
25 Landscape Architects Act unless such practice or offer to practice is  
26 otherwise exempt under the act;

27       (b) Knowingly and intentionally employ or retain a person to  
28 practice landscape architecture in this state who is not licensed in  
29 accordance with the act unless otherwise exempt under the act;

30       (c) Advertise any title or description tending to convey the  
31 impression that he or she is a professional landscape architect unless

1 the person is duly licensed or exempt from licensure under the act;

2 (d) Present or attempt to use the certificate of licensure or the  
3 seal of another person;

4 (e) Give any false or forged evidence of any kind to the board or to  
5 any member of the board in obtaining or attempting to obtain a  
6 certificate of licensure;

7 (f) Falsely impersonate any other licensee of like or different  
8 name;

9 (g) Attempt to use an expired, suspended, revoked, or nonexistent  
10 certificate of licensure or attempt to engage in the practice or offer to  
11 practice landscape architecture when not qualified;

12 (h) Falsely claim that he or she is licensed or authorized under the  
13 act; or

14 (i) Otherwise violate the act.

15 (2) Any person who performs any of the actions described in  
16 subsection (1) of this section is guilty of a Class III misdemeanor for  
17 the first offense and a Class II misdemeanor for the second or any  
18 subsequent offense.

19 Sec. 16. A complaint against any person involving any matter coming  
20 within the jurisdiction of the board shall be in writing and shall be  
21 filed with the board. The complaint, at the discretion of the board,  
22 shall be heard within a reasonable time in accordance with the rules and  
23 regulations and may be heard through the use of a hearing officer. The  
24 accused shall have the right to appear personally with or without  
25 counsel, to cross-examine adverse witnesses, and to produce evidence and  
26 witnesses in his or her defense. The board shall set the time and place  
27 of the hearing and shall cause a copy of the complaint, together with a  
28 notice of the time and place fixed for the hearing, to be sent by  
29 registered mail to the accused, at his or her last-known mailing address  
30 known to the board, at least thirty days before the hearing. If after the  
31 hearing the board finds the accused has violated the Professional

1 Landscape Architects Act or any rules or regulations adopted and  
2 promulgated under the act, it may issue any order or take any action  
3 described in section 17 of this act. If the board finds no violation, it  
4 shall enter an order dismissing the complaint. If the order revokes,  
5 suspends, or cancels a license, the board shall notify the licensee and  
6 the Secretary of State in writing. The board may reissue a license that  
7 has been revoked. An application for the reissuance of a license shall be  
8 made in such a manner as the board directs and shall be accompanied by a  
9 fee established by the board, in accordance with subsection (1) of  
10 section 81-8,194.

11 Sec. 17. (1) The board, after hearing and upon proof satisfactory  
12 to the board, may determine by a two-thirds majority vote that any person  
13 has violated the Professional Landscape Architects Act or any rule or  
14 regulation under the act.

15 (2) Upon a finding that a person has committed a violation, one or  
16 more of the following actions may be taken against such person upon a  
17 two-thirds majority vote of the board:

18 (a) Issuance of a censure or reprimand;

19 (b) Suspension of judgment;

20 (c) Placement of the offender on probation;

21 (d) Placement of a limitation or limitations on a licensee and upon  
22 the privilege of a licensee to engage in the practice of landscape  
23 architecture to the extent, scope, or type of landscape architecture  
24 practice for such time and under such conditions as are found necessary  
25 and proper;

26 (e) Imposition of a civil penalty not to exceed ten thousand dollars  
27 for each offense. The amount of the penalty shall be based on the  
28 severity of the violation;

29 (f) Entrance of an order of revocation, suspension, or cancellation  
30 of the certificate of licensure;

31 (g) Issuance of a cease and desist order;



1       (h) Imposition of costs as in an ordinary civil action in the  
2 district court, which may include reasonable attorney's fees and hearing  
3 officer fees incurred by the board and the expenses of any investigation  
4 undertaken by the board; or

5       (i) Dismissal of the action.

6       (3) The board may take into account suitable evidence of reform when  
7 determining appropriate action.

8       (4) Civil penalties collected under subdivision (2)(e) of this  
9 section shall be remitted to the State Treasurer for distribution in  
10 accordance with Article VII, section 5, of the Constitution of Nebraska.  
11 All costs collected under subdivision (2)(h) of this section shall be  
12 remitted to the State Treasurer for credit to the State Board of  
13 Landscape Architects Cash Fund.

14       Sec. 18. Section 81-8,206, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16       81-8,206   (1) The Professional Landscape Architects Act shall not  
17 apply to:

18       (a) Any employee of a professional landscape architect who performs  
19 landscape architecture services under the direction and supervision of  
20 the professional landscape architect. Such services do not include  
21 responsible charge of design or the administration of construction  
22 contracts ~~(1) Any person who is an employee of a licensed professional~~  
23 ~~landscape architect and who performs landscape architectural work under~~  
24 ~~the direction and supervision of a licensed professional landscape~~  
25 ~~architect, but such work does not include responsible change of design or~~  
26 ~~administration of construction contracts;~~

27       (b) Any employee who performs landscape architecture services for  
28 his or her employer when all such services are completed for a facility  
29 owned or operated by the employer and when such services are not offered  
30 to the public and do not endanger the public health, safety, or welfare

31 ~~(2) Any full-time employee who performs landscape architectural work for~~

1 ~~his or her employer when all such work is in connection with a facility~~  
2 ~~owned or operated by the employer and when such work does not endanger~~  
3 ~~the public welfare, health, and safety, and when the service is not~~  
4 ~~offered to the public;~~

5 (c) The practice by a qualified member of another legally recognized  
6 profession who is otherwise licensed or certified by this state to  
7 perform services consistent with the laws of this state and the training  
8 and the code of ethics of the respective profession if such qualified  
9 member does not represent himself or herself to be a professional  
10 landscape architect (3) Any architect or professional engineer, but such  
11 architect or engineer may not use the title landscape architect or  
12 professional landscape architect unless he or she is licensed pursuant to  
13 the act; or

14 (d) Any person who seeks advice or help of any other person in  
15 planning, planting, or maintaining the planting or conservation work on  
16 any property he or she owns or controls or who does such things himself  
17 or herself (4) Any person who seeks advice or help of any other person in  
18 planning, planting, or maintaining the planting or conservation work on  
19 any property he or she owns or controls or who does such things himself  
20 or herself.

21 (2) The Professional Landscape Architects Act shall not prohibit or  
22 require compliance with the act for any person who engages in the  
23 professional occupation of city, county, or city-county planning or a  
24 planning-related occupation to undertake the activities described in  
25 subdivisions (5)(a) through (f) of section 81-8,184, so long as such  
26 person does not use the title of landscape architect or professional  
27 landscape architect.

28 (3) The Professional Landscape Architects Act does not prohibit any  
29 person, officer, agent, or employee of any business entity with  
30 experience and qualifications from engaging in the occupation of growing  
31 or marketing nursery stock or to use the title landscape nurseryperson,

1 landscape gardener, landscape designer, landscape contractor, or land  
2 developer, so long as no individual engages in the practice of landscape  
3 architecture or uses the title landscape architect or professional  
4 landscape architect unless he or she is licensed as such under the  
5 Professional Landscape Architects Act.

6 (4) The Professional Landscape Architects Act does not prevent a  
7 vendor of goods, services, real estate, or materials, including  
8 nurserypersons, landscape nurserypersons, gardeners, landscape gardeners,  
9 landscape designers, general contractors registered under the Contractor  
10 Registration Act, landscape contractors, land developers, golf course  
11 architects, or golf course designers from providing drawings or graphic  
12 diagrams that are necessary for the proper layout or development of the  
13 vendor's goods, services, real estate, or materials for public or private  
14 land or arranging for the installation of the goods or materials. The  
15 Professional Landscape Architects Act also does not prevent a landscape  
16 designer or any person or firm registered under the Contractor  
17 Registration Act from engaging in, for a fee, the design of spaces  
18 utilizing plant materials and ancillary paving and building materials or  
19 arranging for or engaging in the installation of the materials.

20 Sec. 19. (1) Landscape architecture design projects involving more  
21 than one design professional shall have a designated coordinating  
22 professional for the entire project. The coordinating professional may,  
23 but need not, provide professional services on the project. The  
24 coordinating professional shall apply his or her seal in accordance with  
25 the Engineers and Architects Regulation Act or the Professional Landscape  
26 Architects Act to the cover sheet of all documents and denote the seal as  
27 that of the coordinating professional.

28 (2) The coordinating professional shall be responsible for reviewing  
29 and coordinating technical documents prepared by any other design  
30 professional for compatibility with the design of the project.

31 Sec. 20. Original sections 81-8,183.01, 81-8,184, 81-8,186,

1 81-8,191, 81-8,191.01, 81-8,192, 81-8,194, 81-8,196, 81-8,198, 81-8,199,  
2 81-8,200, 81-8,202, 81-8,204, 81-8,205, and 81-8,206, Reissue Revised  
3 Statutes of Nebraska, are repealed.

4 Sec. 21. The following sections are outright repealed: Sections  
5 81-8,184.01, 81-8,185, 81-8,187, 81-8,188, 81-8,195, 81-8,197,  
6 81-8,200.01, 81-8,200.02, 81-8,201, and 81-8,203, Reissue Revised  
7 Statutes of Nebraska.